


Administrative Office of the Courts

Chief Justice Christine M. Durham
Utah Supreme Court
Chair, Utah Judicial Council

MEMORANDUM

Daniel J. Becker
State Court Administrator
Myron K. March
Deputy Court Administrator

To: Heather Mackenzie-Campbell, Audit Manager
From:  Brent Johnson, General Counsel
Re: Justice Court Accounting Model
Date: July 26, 2007

This memorandum is in follow-up to previous discussions that we had concerning an appropriate justice court accounting model. I am attaching your e-mail to this memorandum. The e-mail describes the two potential models.

As I stated in my previous e-mail, I think the justice courts should follow model 1. There are two primary reasons for this opinion. Although statutes and rules do not specifically mandate that payments go directly to the court, I think that Rule 3-303 requires justice court clerks to initially account for all payments. The justice court clerk is responsible for taking care of all justice court records and for and receive "collecting fines." The justice court clerk must keep track of the status of all cases, including the payments received. The clerk cannot delegate obligation to collect fines to individuals outside of the court.

It can perhaps be argued that the payments should be allowed to go directly to the local treasurer because the payments will ultimately end up in that place anyway. However, this argument goes to my second concern. It is important that justice courts focus on the criminal aspects of their cases and not the revenue aspects. A fine should always retain its characteristics as punishment and not as a debt. Criminal fines are not like civil judgments, from which payments are made directly to a judgment creditor. Fines are imposed to ensure that a defendant adequately pays his or her debt to society. The justice court is ultimately responsible for ensuring that this societal debt is paid, the defendant appropriately punished, and that there is an appropriate reckoning. Having the justice court directly receive those societal debt payments more accurately fills those purposes. Please let me know if you have any questions about this.

The mission of the Utah judiciary is to provide the people an open, fair,
efficient, and independent system for the advancement of justice under the law.